Application Number	Application/Co	F	Applicant(s)/Patent Reexamination	under			
Document Code - DISQ	Internal Doc		cument – DC	cument – DO NOT MAIL			
TERMINAL DISCLAIMER	⊠ APPROVI	ED	□DISAPP	☐ DISAPPROVED			
Date Filed : March 29, 2006	to a Te	t is subject erminal aimer					
Approved/Disapproved b	<b>y</b> :		· · · · · · · ·				
Henry D. Jefferson							
			* ·				

U.S. Patent and Trademark Office

## T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:			30-Mar-06		APPL. S. N:	10761938		
To Exam	niner:		TABATABAI, ABOLFAZ		Art Unit	2625		
From			Jefferson, Henry PARALEGAL SPCECIALIS	T	Return This Memo To: Case Drop-Off Location	JEF-2D68		
SUBJEC	T: Decisi	on on Terminal	Disclaimer(T.D.) filed:					
INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. THIS IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE. When your action is complete,								
please initial, date and return this memo to me. THANK YOU.								
Image: section of the left o	The T.D	is PROPER and	d has been recorded (see	14.23)				
	The T.D	is NOT PROPE	R and has not been accep	oted for	the reason(s) checked below (s	ee 14.24):		
	The TD fee of has not been submitted nor is there any authorization in the application file for the use of a deposit account							
		The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).						
		The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).						
		The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).						
		The person who signed the T.D.:						
		is not an attorney "of record" (see 14.29 and 14.29.01).						
		$\square$ has failed to state his/her capacity to sign for the business entity (see 14.28).						
		is no	ot recognized as an officer	of the	assignee (see 14.29 & possible	14.29.02).		
		No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel an frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).						
		The T.D. is not signed (see 14.26 & 14.26.03).						
		The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).						
		The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).						
		The period dis	claimed is incorrect or no	t speci	fied (see 14.26, 14.27.02 or 14.	26.03).		
		Other:						
	Suggestion to request refund (see 14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item.							
I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.								
Ex.Initial	ls:	Date	<b>:</b>			Log Date:		

TERMINAL DISCLAIMER U.S. Application Serial No.: 10/761,938 Attorney Docket No. 016472-0311710

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN REPATENT

Soheil SHAMS et al.

APPLICATION OF:

SERIAL NO.:

10/761,938

ATTORNEY DOCKET No.:

016472-0311710

FILING DATE:

January 21, 2004

ART UNIT:

2625

CONFIRMATION NO.:

2161

EXAMINER:

Abolfazi Tabatabai

For:

SYSTEM AND METHOD FOR AUTOMATICALLY PROCESSING

MICROARRAYS

## TERMINAL DISCLAIMER

Commissioner for Patents P.O. Box 1450 Alexandria, VA. 22313-1450

Dear Sir:

The undersigned, on behalf of the petitioner, BioDiscovery, Inc., represents that the petitioner, BioDiscovery, Inc., is the owner of the entire right, title and interest of:

- (1) U.S. Application Patent No. 6,731,781 for System And Method For AUTOMATICALLY PROCESSING MICROARRAYS, by virtue of an Assignment to BioDiscovery, Inc., from the inventors thereof, said assignment recorded on December 15, 1999, at Reel 010523, Frame 0014; and
- (2)the above-captioned U.S. Application No. 10/761,938 by virtue of an Assignment to BioDiscovery, Inc., from the inventors thereof executed on December 15, 1999, at Reel 015704, Frame 0721.

TERMINAL DISCLAIMER U.S. Application Serial No.: 10/761,938 Attorney Docket No. 016472-0311710

Petitioner hereby certifies that the above-mentioned Assignments have been reviewed and to the best of petitioner's knowledge and belief, title is in petitioner who is seeking to take this action.

Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-captioned U.S. Application No. 10/761,938, which would extend beyond the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent No. 6,731,781, and hereby agrees that any patent so granted on the above-captioned U.S. Application No. 10/761,938 shall be enforceable only for and during such period that the legal title to U.S. Patent No. 6,731,781 shall be the same as the legal title to said patent issuing from the above-captioned U.S. Application No. 10/761,938, this agreement to run with any patent granted on U.S. Application No. 10/761,938 and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-captioned U.S. Application No. 10/761,938 prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent No. 6,731,781 in the event said patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321(a), has all claims canceled by a Reexamination certificate, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

TERMINAL DISCLAIMER U.S. Application Serial No.: 10/761,938 Attorney Docket No. 016472-0311710

The undersigned whose signature and title appear below is empowered to act on behalf of Petitioner.

Please charge the \$65.00 fee (Small Entity) for the filing of this Terminal Disclaimer to our Deposit Account No. 033975 (*Reference No. 016472-0311710*). Should this fee calculation be improper, please charge any deficiencies or credit any overpayments to our Deposit Account No. 033975 (*Reference No. 016472-0311710*).

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLC

Timothy C. Plooney Registration No. 55,878

Date: March 29, 2006

PILLSBURY WINTHROP SHAW PITTMAN LLC P.O. Box 10500 McLean, Virginia 22102 703-770.7900 (Telephone) 703-770.7901 (Facsimile)

PTO/SB/17 (12-04)

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Ettective on 12/08/2004.	

FEE TRANSMITTAL			Complete if Known						
			Application	Number	10/761,938				
			Filing Date		Јапцагу 21, 2004				
for FY 2005				First Named	Inventor	SOHEIL SHAMS			
				Examiner N	ame	Abolfazi Tabatabai			
	X Applicant claims small entity status. See 37 CFR 1.27			Art Unit		2625			
TOTAL AMOUNT OF	TOTAL AMOUNT OF PAYMENT (\$) 65				CKET NO	016472-0	311710		
METHOD OF PAYM	ENT (cneck	ali that apply)							
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FEE CALCULATION	ų.								<del></del>
1. BASIC FILING, SE	ARCH, AND	EXAMINATION	FEES						
	FILING		SEARC	H FEES	EXAMIN	ATION FE			
Application Type	Ecc.(5)	Small Entry Fee (1)	F00 (5)	Small Entry Fee (\$)	Fee (\$)	Small En Fee (\$)		Fee Paid (\$)	
Utility	300	150388	500	250	200	100			
Design	200	100	100	50	130	<b>65</b>			
Plant	200	100	300	150	150	80			
Reissuc	300	150	500	250	600	300			
Provisional	200	100	0	0	0	٥			
2. EXCESS CLAIM FEES  Fee Description  Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent  Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent  Multiple dependent claims  Small Entry  Fee (\$) Fee (\$) Fee (\$)  Fee (\$) Fee (\$)  Fee (\$) Fee (\$)  Fee (\$) Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)									
Total Claims • 20 or MP = _	Eatra Claime	x Fee (\$1)	Fee P	ard (\$)	Multiple C	Dependent C	laims on Pard (\$)		
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3. APPLICATION SIZE If the epecinication and greater additional 50 st Total Sheets	winds exceed 10	mereof See 35 U.S. <u>Number</u>	C. 41(2)(1)(	n size fee due is 1 G) and 37 CFR 1 Billighei 50 or tra	16(6).	f Fee (\$)		Para (\$1	
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4. OTHER FEE(S)  Non-Engista Specification 130 fee (no small entity discount)									
Other Terminal Disclauper 65.00									
SUBMITTED BY									
Signature	72	~C.[4		Registration No (Anomoy/Agent)	55,878	Te	ksprione 70	3.770.7939	
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Into collection of unformation is required by 37 CFK 1.136. The find mation is required to obtain or retain a penetic by trie public which is to file (and by the USPTO to process) an application. Certificationally as governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Turns will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or adjustions for reducing this burden, should be sent to the Chief information Orlices, U.S. Patient and Trademan, Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO Commissioner for Patentia, P.O. Box 1450, Alexandria, VA 22313-1450.

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